

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	:	21 MC 100 (AKH)
IN RE WORLD TRADE CENTER	:	
DISASTER SITE LITIGATION	:	
	:	DOCKET NO.
	:	07-CIV-8722
HERNAN MUÑOZ and EBELLY SANCHEZ,	:	Judge Hellerstein
	:	
Plaintiff,	:	CHECK-OFF (“SHORT FORM”)
	:	COMPLAINT RELATED TO
-against-	:	THE MASTER COMPLAINT
	:	PLAINTIFF(S) DEMAND A
VERIZON NEW YORK, INC., VERIZON	:	TRIAL BY JURY
PROPERTIES, INC., VERIZON	:	
COMMUNICATIONS, INC., AND	:	
HILLMAN ENVIRONMENTAL GROUP, LLC,	:	
	:	
Defendants.	:	

By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated June 22, 2006, (“the Order”), Amended Master Complaints for all Plaintiffs were filed on August 18, 2006.

NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaint are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an “[/]” if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiffs, Hernan Munoz and Ebelly Sanchez, by their attorneys OSHMAN & MIRISOLA, LLP, complaining of Defendant(s), respectfully allege:

I. PARTIES

A. PLAINTIFF(S)

1.[/] Plaintiff, (hereinafter the “Injured Plaintiff”), is an individual and a citizen of New York residing at 102 Roeckel Avenue, Valley Stream, New York 11580.

(OR)

2. Alternatively, _____ is the _____ of Decedent _____, and brings this claim in his (her) capacity as of the Estate of _____.

3. [] Plaintiff, (hereinafter the "Derivative Plaintiff"), is a citizen of New York residing at 102 Roeckel Avenue, Valley Stream, New York 11580, and has the following relationship to the Injured Plaintiff:

[] SPOUSE at all relevant times herein, is and has been lawfully married to Plaintiff Ebelly Sanchez brings this derivative action for her loss due to the injuries sustained by her husband, Plaintiff Hernan Munoz.

Parent Child Other: _____

4. In the period from on or about beginning on or about September 14, 2001 through on or about November 30, 2001, the Injured Plaintiff was employed by the Felix, LBI and local 78 and , but worked as a cleaner:

Please be as specific as possible when filling in the following dates and locations

<p><input type="checkbox"/> The World Trade Center Site Location(s) (i.e., building, quadrant, etc.) _____</p> <p><input type="checkbox"/> The New York City Medical Examiner's Office From on or about _____ until _____; Approximately _____ hours per day; for Approximately _____ days total. _____</p> <p><input type="checkbox"/> The Fresh Kills Landfill From on or about _____ until _____; Approximately _____ hours per day; for Approximately _____ days total.</p>	<p><input type="checkbox"/> The Barge From on or about _____ until _____; Approximately _____ hours per day; for Approximately _____ days total. _____</p> <p>[] <i>Other:</i>* For injured plaintiffs who worked at Non-WTC Site building or location. The injured plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:</p> <p>From on or about September 14, 2001 through on or about November 30, 2001 Name and Address of Non-WTC Site Building/Worksite: Verizon Building (140 West Street, New York, New York</p>
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* Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

[] Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;

[/] Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;

[/] Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;

[/] Other: not yet determined

6. Injured Plaintiff

- [/] Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

B. DEFENDANT(S)

The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

<p><input checked="" type="checkbox"/> THE CITY OF NEW YORK</p> <p><input checked="" type="checkbox"/> A Notice of Claim was timely filed and served on June 8, 2007 and</p> <p><input type="checkbox"/> pursuant to General Municipal Law §50-h the CITY held a hearing on _____ (OR)</p> <p><input type="checkbox"/> The City has yet to hold a hearing as required by General Municipal Law §50-h</p> <p><input type="checkbox"/> More than thirty days have passed and the City has not adjusted the claim (OR)</p> <p><input checked="" type="checkbox"/> An Order to Show Cause application to</p> <p><input checked="" type="checkbox"/> deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim <i>Nunc Pro Tunc</i> (for leave to file a late Notice of Claim <i>Nunc Pro Tunc</i>) has been filed and a determination</p> <p><input checked="" type="checkbox"/> is pending</p> <p><input type="checkbox"/> Granting petition was made on _____</p> <p><input type="checkbox"/> Denying petition was made on _____</p> <hr/> <p><input checked="" type="checkbox"/> PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]</p> <p><input checked="" type="checkbox"/> A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on</p> <p><input type="checkbox"/> More than sixty days have elapsed since the Notice of Claim was filed, (and)</p> <p><input type="checkbox"/> the PORT AUTHORITY has adjusted this claim</p> <p><input type="checkbox"/> the PORT AUTHORITY has not adjusted this claim.</p> <p><input type="checkbox"/> 1 WORLD TRADE CENTER, LLC</p> <p><input type="checkbox"/> 1 WTC HOLDINGS, LLC</p> <p><input type="checkbox"/> 2 WORLD TRADE CENTER, LLC</p> <p><input type="checkbox"/> 2 WTC HOLDINGS, LLC</p> <p><input type="checkbox"/> 4 WORLD TRADE CENTER, LLC</p> <p><input type="checkbox"/> 4 WTC HOLDINGS, LLC</p>	<p><input type="checkbox"/> 5 WORLD TRADE CENTER, LLC</p> <p><input type="checkbox"/> 5 WTC HOLDINGS, LLC</p> <p><input checked="" type="checkbox"/> AMEC CONSTRUCTION MANAGEMENT, INC.</p> <p><input type="checkbox"/> 7 WORLD TRACE COMPANY, L.P.</p> <p><input type="checkbox"/> A RUSSO WRECKING</p> <p><input type="checkbox"/> ABM INDUSTRIES, INC.</p> <p><input type="checkbox"/> ABM JANITORIAL NORTHEAST, INC</p> <p><input type="checkbox"/> AMEC EARTH & ENVIRONMENTAL, INC.</p> <p><input type="checkbox"/> ANTHONY CORTESE SPECIALIZED HAULING, LLC, INC.</p> <p><input type="checkbox"/> ATLANTIC HEYDT CORP</p> <p><input type="checkbox"/> BECHTEL ASSOCIATES PROFESSIONAL CORPORATION</p> <p><input type="checkbox"/> BECHTEL CONSTRUCTION, INC. BECHTEL CORPORATION</p> <p><input checked="" type="checkbox"/> BECHTEL ENVIRONMENTAL, INC.</p> <p><input type="checkbox"/> BERKEL & COMPANY, CONTRACTORS, INC.</p> <p><input type="checkbox"/> BIG APPLE WRECKING & CONSTRUCTION CORP</p> <p><input checked="" type="checkbox"/> BOVIS LEND LEASE, INC.</p> <p><input checked="" type="checkbox"/> BOVIS LEND LEASE LMB, INC.</p> <p><input type="checkbox"/> BREEZE CARTING CORP</p> <p><input type="checkbox"/> BREEZE NATIONAL, INC.</p> <p><input type="checkbox"/> BRER-FOUR TRANSPORTATION CORP.</p> <p><input type="checkbox"/> BURO HAPPOLD CONSULTING ENGINEERS, P.C.</p> <p><input type="checkbox"/> C.B. CONTRACTING CORP</p> <p><input type="checkbox"/> CANRON CONSTRUCTION CORP</p> <p><input type="checkbox"/> CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.</p> <p><input type="checkbox"/> CORD CONTRACTING CO., INC</p> <p><input type="checkbox"/> CRAIG TEST BORING COMPANY INC.</p> <p><input type="checkbox"/> DAKOTA DEMO-TECH</p> <p><input type="checkbox"/> DIAMOND POINT EXCAVATING CORP</p> <p><input type="checkbox"/> DIEGO CONSTRUCTION, INC.</p> <p><input type="checkbox"/> DIVERSIFIED CARTING, INC.</p> <p><input type="checkbox"/> DMT ENTERPRISE, INC.</p> <p><input type="checkbox"/> D'ONOFRIO GENERAL CONTRACTORS CORP</p>
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<input type="checkbox"/> EAGLE LEASING & INDUSTRIAL SUPPLY <input type="checkbox"/> EAGLE ONE ROOFING CONTRACTORS INC. <input type="checkbox"/> EAGLE SCAFFOLDING CO, INC. <input type="checkbox"/> EJ DAVIES, INC. <input type="checkbox"/> EN-TECH CORP <input type="checkbox"/> ET ENVIRONMENTAL <input type="checkbox"/> EVANS ENVIRONMENTAL <input type="checkbox"/> EVERGREEN RECYCLING OF CORONA <input type="checkbox"/> EWELL W. FINLEY, P.C. <input type="checkbox"/> EXECUTIVE MEDICAL SERVICES, P.C. <input type="checkbox"/> F&G MECHANICAL, INC. <input type="checkbox"/> FLEET TRUCKING, INC. <input type="checkbox"/> FRANCIS A. LEE COMPANY, A CORPORATION <input type="checkbox"/> FTI TRUCKING <input type="checkbox"/> GILSANZ MURRAY STEFICEK, LLP <input type="checkbox"/> GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC <input type="checkbox"/> HALLEN WELDING SERVICE, INC. <input type="checkbox"/> H.P. ENVIRONMENTAL <input type="checkbox"/> KOCH SKANSKA INC. <input type="checkbox"/> LAQUILA CONSTRUCTION INC <input type="checkbox"/> LASTRADA GENERAL CONTRACTING CORP <input type="checkbox"/> LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C. <input type="checkbox"/> LIBERTY MUTUAL GROUP <input type="checkbox"/> LOCKWOOD KESSLER & BARTLETT, INC. <input type="checkbox"/> LUCIUS PITKIN, INC <input type="checkbox"/> LZA TECH-DIV OF THORTON TOMASETTI <input type="checkbox"/> MANAFORT BROTHERS, INC. <input type="checkbox"/> MAZZOCCHI WRECKING, INC. <input type="checkbox"/> MERIDIAN CONSTRUCTION CORP. <input type="checkbox"/> MORETRENCH AMERICAN CORP. <input type="checkbox"/> MRA ENGINEERING P.C. <input type="checkbox"/> MUESER RUTLEDGE CONSULTING ENGINEERS	<input type="checkbox"/> NACIREMA INDUSTRIES INCORPORATED <input type="checkbox"/> NEW YORK CRANE & EQUIPMENT CORP. <input type="checkbox"/> NICHOLSON CONSTRUCTION COMPANY <input type="checkbox"/> PETER SCALAMANDRE & SONS, INC. <input type="checkbox"/> PHILLIPS AND JORDAN, INC. <input type="checkbox"/> PINNACLE ENVIRONMENTAL CORP <input type="checkbox"/> PLAZA CONSTRUCTION CORP. <input type="checkbox"/> PRO SAFETY SERVICES, LLC <input type="checkbox"/> PT & L CONTRACTING CORP <input type="checkbox"/> REGIONAL SCAFFOLD & HOISTING CO, INC. <input type="checkbox"/> ROBER SILMAN ASSOCIATES <input type="checkbox"/> ROBERT L GEROSA, INC <input type="checkbox"/> RODAR ENTERPRISES, INC. <input type="checkbox"/> ROYAL GM INC. <input type="checkbox"/> SAB TRUCKING INC. <input type="checkbox"/> SAFEWAY ENVIRONMENTAL CORP <input type="checkbox"/> SEASONS INDUSTRIAL CONTRACTING <input type="checkbox"/> SILVERITE CONTRACTING CORPORATION <input type="checkbox"/> SILVERSTEIN PROPERTIES <input type="checkbox"/> SILVERSTEIN PROPERTIES, INC. <input type="checkbox"/> SILVERSTEIN WTC FACILITY MANAGER, LLC <input type="checkbox"/> SILVERSTEIN WTC, LLC <input type="checkbox"/> SILVERSTEIN WTC MANAGEMENT CO., LLC <input type="checkbox"/> SILVERSTEIN WTC PROPERTIES, LLC <input type="checkbox"/> SILVERSTEIN DEVELOPMENT CORP. <input type="checkbox"/> SILVERSTEIN WTC PROPERTIES LLC <input type="checkbox"/> SIMPSON GUMPERTZ & HEGER INC <input type="checkbox"/> SKIDMORE OWINGS & MERRILL LLP <input type="checkbox"/> SURVIAIR <input type="checkbox"/> TAYLOR RECYCLING FACILITY LLC <input type="checkbox"/> TISHMAN INTERIORS CORPORATION, <input type="checkbox"/> TISHMAN SPEYER PROPERTIES,
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<input type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN <input type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF NEW YORK <input type="checkbox"/> THORNTON-TOMASETTI GROUP, INC. <input type="checkbox"/> TORRETTA TRUCKING, INC. <input type="checkbox"/> TOTAL SAFETY CONSULTING, L.L.C. <input type="checkbox"/> TUCCI EQUIPMENT RENTAL CORP <input checked="" type="checkbox"/> TULLY CONSTRUCTION CO., INC. <input type="checkbox"/> TULLY ENVIRONMENTAL INC. <input type="checkbox"/> TULLY INDUSTRIES, INC. <input type="checkbox"/> TURNER CONSTRUCTION CO. <input checked="" type="checkbox"/> TURNER CONSTRUCTION COMPANY <input type="checkbox"/> ULTIMATE DEMOLITIONS/CS HAULING <input checked="" type="checkbox"/> VERIZON NEW YORK INC,	<input type="checkbox"/> VOLLMER ASSOCIATES LLP <input type="checkbox"/> W HARRIS & SONS INC <input type="checkbox"/> WEEKS MARINE, INC. <input type="checkbox"/> WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C. <input type="checkbox"/> WHITNEY CONTRACTING INC. <input type="checkbox"/> WOLKOW-BRAKER ROOFING CORP <input type="checkbox"/> WORLD TRADE CENTER PROPERTIES, LLC <input type="checkbox"/> WSP CANTOR SEINUK GROUP <input type="checkbox"/> YANNUZZI & SONS INC <input type="checkbox"/> YONKERS CONTRACTING COMPANY, INC. <input type="checkbox"/> YORK HUNTER CONSTRUCTION, LLC <input type="checkbox"/> ZIEGENFUSS DRILLING, INC. <input type="checkbox"/> OTHER:
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<input checked="" type="checkbox"/> Non-WTC Site Building Owners Name: Verizon New York, Inc. and Verizon Communications, Inc. Business/Service Address: 140 West Street, New York, New York Verizon Properties, Inc. Business/Service Address: 1 Verizon Way, Basking Ridge, New Jersey Building/Worksite Address: 140 West Street, New York, New York <input checked="" type="checkbox"/> Non-WTC Site Lessee Name: _____ Business/Service Address: _____ Building/Worksite Address: _____	<input checked="" type="checkbox"/> Non-WTC Site Building Managing Agent Name: Hillman Environmental Group, LLC Business/Service Address: 1600 Route 22 East, Union City, New Jersey Building/Worksite Address: 140 West Street, New York, New York
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II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

[] Founded upon Federal Question Jurisdiction; specifically; []; Air Transport Safety & System Stabilization Act of 2001, (or); Federal Officers Jurisdiction, (or); Other (specify): _____; Contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input type="checkbox"/> Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input type="checkbox"/> Common Law Negligence, including allegations of Fraud and Misrepresentation
<input type="checkbox"/> Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)	<input type="checkbox"/> Air Quality; <input type="checkbox"/> Effectiveness of Mask Provided; <input type="checkbox"/> Effectiveness of Other Safety Equipment Provided (specify: _____); <input type="checkbox"/> Other(specify): Not yet determined.
<input type="checkbox"/> Pursuant to New York General Municipal Law § 205- a	<input type="checkbox"/> Wrongful Death
<input type="checkbox"/> Pursuant to New York General Municipal Law § 205- e	<input type="checkbox"/> Loss of Services/Loss of Consortium for Derivative Plaintiff
	<input type="checkbox"/> Other:

IV CAUSATION, INJURY AND DAMAGE

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

<input type="checkbox"/> Cancer Injury: Date of onset: _____ Date physician first connected this injury to WTC work: _____	<input type="checkbox"/> Cardiovascular Injury: Date of onset: Date physician first connected this injury to WTC work:
<hr/> <input checked="" type="checkbox"/> Respiratory Injury: coughing, shortness of breath, chest pain Date of onset: to be provided Date physician first connected this injury to WTC work: to be provided	<hr/> <input checked="" type="checkbox"/> Fear of Cancer: Date of onset: to be provided Date physician first connected this injury to WTC work: to be provided
<hr/> <input checked="" type="checkbox"/> Digestive Injury: peptic ulcers and gastritis (diagnosed on April 22, 2007) Date of onset: to be provided Date physician first connected this injury to WTC work: to be provided	<hr/> <input checked="" type="checkbox"/> Other Injury: problems sleeping, chest pain Date of onset: to be provided Date physician first connected this injury to WTC work: to be provided

NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

<input checked="" type="checkbox"/> Pain and suffering <input checked="" type="checkbox"/> Loss of the enjoyment of life <input checked="" type="checkbox"/> Loss of earnings and/or impairment of earning capacity <input checked="" type="checkbox"/> Loss of retirement benefits/ diminution of retirement benefits	<input checked="" type="checkbox"/> Expenses for medical care, treatment, and rehabilitation <input checked="" type="checkbox"/> Other: <input checked="" type="checkbox"/> Mental anguish <input checked="" type="checkbox"/> Disability <input type="checkbox"/> Medical monitoring <input type="checkbox"/> Other:
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3. As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York
October 4, 2007

Yours, etc.

OSHMAN & MIRISOLA, LLP
Attorneys for Plaintiff

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